

### **REMARKS/ARGUMENTS**

These remarks are responsive to the Office Action mailed October 3, 2008. Claims 12-14, 16-27, 29-30, and 32-37 are pending in this application. Claims 15, 28, and 31 have been cancelled. Reconsideration and allowance of this application are respectfully requested.

#### **Claim Objections**

At page 2, the Office Action objects to claims 12, 15, and 30. Claims 12 and 30 have been amended and claim 15 has been cancelled, thus rendering these objections moot. Therefore, Applicants respectfully request that the objections be withdrawn.

#### **Claim Rejections under 35 USC §102**

Claims 12, 14-16, 18-20, 25, 26, 28 and 29 stand rejected under 35 U.S.C § 102(e) as being anticipated by Angles et al. (US 5,933,811), hereinafter referred to as Angles. See Office Action at pp. 2-6. Applicants respectfully traverse for at least the following reasons. Amended claim 12 now recites an apparatus comprising a processor, “wherein the processor is configured to insert an instruction in the game data to instruct a user terminal to cause display of the advertising during a break point in game play.”

Angles does not teach or suggest a similar instruction to “cause display of the advertising during a break point in game play” in the manner claimed. In the rejection of previous claim 21, the Action alleged that claim 21 was obvious over Angles. See Office Action at pp. 6-7. Notably, page 7 of the Office Action refers to a location server providing a location of a user. Applicants respectfully submit that providing a location of a user does not teach or suggest “an instruction in the game data to instruct a user terminal to cause display of the advertising during a break point in game play.”

The Office Action on p.3 notes that Angles does mention a “content provider computer 14” that includes “online games.” Within Angles, the “content provider computer 14 can integrate the customized advertisements 30 into signs and billboards which appear in the interactive game.” See Angles at col. 21, ll. 55-65. Nowhere, however, does Angles mention a processor configured to “insert an instruction in the game data to instruct a user terminal to cause display of the advertising during a break point in game play.”

For at least these reasons, the Applicant submits that claim 12 is in condition for allowance. Claims 14, 16, 18-20, which now depend on amended claim 12, are also in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite.

Claim 25 has features similar to those of claim 12. Therefore, the Applicant believes that claim 25 is in condition for allowance for at least the same reasons given in support of claim 12. Claims 26 and 29 depend on amended claim 25 and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite.

#### **Claim Rejections under 35 USC §103**

Claims 13, 17, 21-24, 27, 30 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Angles. Applicants respectfully traverse.

Claims 13, 17, and 21-24 depend from amended claim 12 discussed above and hence are allowable at least for depending on an allowable claim in addition to the features they recite.

Claim 27 depends from amended claim 25 discussed above and hence is allowable at least for depending on an allowable claim in addition to the features it recites.

Claim 31 has been cancelled and hence the rejection of this claim is moot.

Claim 30 recites features similar to amended claim 12 discussed above and is allowable at least for analogous reasons.

#### **New Claims**

Claims 32-37 have been added. Independent claim 32 recites an apparatus comprising a processor configured to “present the advertisement in accordance with the instruction during the break point” and independent claim 35 recites similar features. For at least reasons analogous to those discussed above, Angles does not disclose “presenting the advertisement in accordance with the instruction during the break point.” Therefore, claims 32 and 35 are believed to define over Angles and allowance thereof is respectfully requested. Claims 33-34 and claims 36-37 respectively depend on claims 32 and 35 and are allowable at least for depending on an allowable claim in addition to the features they recite.

**CONCLUSION**

All rejections having been addressed, applicant respectfully submits that this application is in condition for allowance, and respectfully requests issuance of a notice of allowance.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: December 22, 2008

By:

A handwritten signature in dark ink, appearing to read "Charles L. Miller", is written over a horizontal line.

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